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PROPOSED COMMERCIAL LAW.

BY P. C. VAN BROCKLIN,
OF BRANTFORD, C. W.

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BE IT ENACTED,—

1. That after the passing of this Act, all written contracts, as well as notes, can be protested in the usual form now used by notaries in this Province, in case default has been made therein by either of the contracting parties.
2. That chattels or property personal shall consist of any material, either compound or uncompound, the production of either the earth, air, or water, manufactured or unmanufactured article or thing of any kind used in commerce, or interchanged, or sold, by any person or persons, in any business transactions; as also all books, notes, bonds, or contracts referring to any chattel property, and not connected with real estate sales or purchases; as also all fire insurance policies upon any chattel property, or any fire or marine insurance policy that has become a debt and is owing to any individual, shall be considered chattels or personal property.
3. That after the passing of this Act it shall be the duty of each and every person or persons having any transactions with any person or persons in the way of commerce, or interchange of commodities known as chattels or property personal, to keep a set of books in either single or double entry, in which he shall cause to be entered a true and correct account of all his business transactions, and intermissions of trade of every kind and description; and it shall also be his duty to make entries under the proper dates, and at the time it should be made in said books: If any person should negligently or wilfully neglect to make such entries as aforesaid, or procure or make false entries in said books, or make them under wrong dates, or alter them after they are made, or mutilate, deface, or destroy his said books of account, with any appearance to defraud some person or persons, and be convicted thereof by any court of competent jurisdiction, he shall be guilty of a misdemeanor, and punished by fine or imprisonment, or both, in the discretion of the Court before whom he may be tried for said offence.
4. That any agent, clerk, or factor, or any person or persons employed by any person or persons to keep books, shall be guilty on proof thereof the same as the principal or employer.
5. That immediately after the passing of this Act it shall be the duty of the Governor in Council to appoint in each and every Municipality in this Province, some fit and proper person to act as Commercial Registrar during pleasure; and it shall be the duty of said Municipality to procure or erect for the use thereof, as soon as possible, a suitable fire-proof building, to be called the Commercial Registry Office of the Municipality of —.
6. That any person selling any chattels or property personal, either in this Province or out of it, to any person or persons living or residing in this Province, and wishing to have the benefits arising from this Act, shall cause to be deposited in the office of the Commercial Registrar of the Muni-

cipality where the purchaser resides, a true and correct copy certified before some legally appointed notary public, of any invoice, bill, bond, note, or contract that was made at the time of such purchase, said paper or papers or copies as aforesaid to be enclosed in a good, substantial envelope, and addressed to Commercial Registrar of the Municipality of _____, which can be either sent by mail or delivered in person; if delivered in person, it shall be the duty of said person so delivering it to endorse it—
Delivered by _____ on _____ day of _____, 18—.

7. That the Laws now in force in this Province in reference to stopping goods or chattels in transitu, that have not been paid for at the time of purchase of said goods in money or cash, but bought on credit or time, is hereby repealed, and shall have no force after the passing of this Act.

8. That the Laws now in force referring to chattel mortgages are hereby repealed, and that no chattel mortgages filed according to the former Laws after this date shall have any force or virtue, but those now on file shall be valid in case a copy thereof is filed in the office of the Commercial Registrar for the Municipality where the person or persons do reside who made said chattel mortgage immediately after this Act coming in force.

9. That the Laws now in force in this Province in reference to Imprisonment for Debt are hereby repealed.

10. That should default in the payment of any Bill, Bond, Note or Invoice of Account be made after the passing of this Act, it shall be the duty of the holder thereof to have the same protested by some regular Notary Public for this Province, and that it shall be the duty of said Notary to cause a copy of said notice to be mailed to the address of each person whose name appears as principals upon said Bill, Bond, Note or Invoice, save and except the witness thereto; or he may deliver the same in person and also address one to the Commercial Registrar of the Municipality where said defaulter resides: said notice to be in the form now used in this Province. Immediately after said notice is received by said Commercial Registrar, it shall be his duty to endorse the same, stating thereon the day and hour when he received the same; and shall also cause to be entered in a book kept for that purpose a true record of said protest whenever said protest shall be so recorded. It will have all the force of an attachment against all the goods and chattels and property personal that may be in the possession of said defaulter in said Municipality or in any Municipality within this Province wherein such protest may be recorded and where said defaulter may have property personal or chattels, such attachment shall have no more force in favour of said individual so protesting than any other claim so filed as aforesaid in said Commercial Registry Office, but only a *pro rata* share with other creditors, and only have force where papers are filed in the Commercial Registry Office.

11. That immediately after said protest is recorded as aforesaid, it shall have all the force of a garnishee order and attach all debts due to said defaulter within this Province of any description; also, all Fire or Marine Insurance policies, for the benefit of all his creditors *pro rata* and not otherwise.

12. That immediately after said Notary has filed the aforesaid protest in said Commercial Registry Office, it shall be his duty to cause notice of said protest to be inserted in each newspaper in the Municipality, stating the fact that he has protested the same for non-payment in as short and concise a manner as possible, unless said Municipality should have more than three newspapers: in that case he shall publish it in three of the nearest newspapers to the residence of said defaulter.

13. That in case said defaulter shall fail to remove said default to the satisfaction of said creditor within the next thirty days immediately thereafter, said creditor may proceed to cause to get inserted in three or more newspapers nearest the residence of said defaulter, a notice stating that at the end of fifteen days thereafter he will cause a petition to be presented to the Judge of any Court of competent jurisdiction in this Province, praying that the said defaulter may be made a permanent defaulter; and it shall also be the duty of said creditor to get a list of all debts recorded in the office of said Commercial Registry, as also the names of all creditors or their agents that may be filed in said office, and to send to each a newspaper containing said notice of said petition to the Judge of any Court of proper jurisdiction. It shall also be his duty to write to each creditor whose name may appear as creditor in said Commercial Registry Office, stating that he has given notice that day of his petition to the Judge, and that he wishes a meeting of the creditors within the next ten days, stating at what most convenient place within the Municipality said meeting will take place, and also the hour 2 o'clock p. m., and it shall also be the duty of said creditor to notify in writing said defaulter of the contemplated meeting.

14. That should a majority of said creditors in number and amount of claim sign said petition and pray or petition the said Judge to appoint a receiver and to declare said defaulter a permanent defaulter, it shall be the duty of said Judge, after hearing arguments on both sides, to decide according to the evidence, and grant or refuse the petition. It shall be the duty of said creditors as aforesaid to name some fit and proper person or persons as receivers; and if the said Judge should grant the prayer of said petition as aforesaid, it shall be his duty to confirm some fit and proper person as receiver; and should said defaulting creditor hand over upon receiving a Judge's order to said receiver, all goods, chattels, and property personal that may be in his possession, as also all books, notes, bonds, contracts, and other evidence of debts in his possession not referring to real estate, to said receiver, as soon as he, said receiver, has given bonds with good and sufficient security to the satisfaction of said Judge, for the faithful discharge of his duties as receiver of the estate of said defaulting creditor, then and in that case it shall be the duty of said receiver to continue said defaulter in the employ of the estate until said stock is thoroughly taken: or it shall be competent for the majority of said creditors in number of persons and amount of debt, to appoint said defaulter receiver by and with the consent of such Judge as aforesaid, and upon his giving good and sufficient security for the faithful discharge of the duties appertaining thereto.

15. That the first duties of said receiver shall be, in company with said defaulter, who is hereby authorized to be present and give any information that may be in his possession; to take a true and exact account of all the estate of said defaulter which may be in his possession or control relating to chattels or property personal of any description; and if said defaulter shall give up all his property personal, with the exception of the exemptions hereinafter mentioned, and it appears upon examination of his estate that he has dealt honestly and fairly, and no objection is made upon an examination of his affairs, to apply at once to the Judge of the County Court for a certificate to that effect. It shall be the duty of said Judge, in case no complaint is made to him, to at once give him a certificate of character as an honest defaulter, and discharge him at once; on the contrary, if it appears, upon an examination, that said defaulter has acted dishonestly and contrary to the spirit and intention of this Act, as hereinbefore set forth, in reference to keeping accounts correctly, or been guilty of other dishonest acts, it shall then be competent for any creditor to enter a complaint be-

fore any Justice of the Peace to hold said defaulter to bail until his case can be heard by any Court of competent jurisdiction; and if it appears upon the trial that he has acted dishonestly, he shall, upon conviction thereof, be guilty of a misdemeanour, and be subject to fine and imprisonment, or both, in the discretion of the Court.

16. That, should any person or persons, body corporate or individual, advance money or chattels for the purpose of carrying on any enterprise in mercantile produce, lumber, manufacturing, or any industrial pursuit now carried on in this Province, to any person or persons, body corporate or individual, upon certain conditions specified in a contract, either written or verbal, and the party or parties so receiving said advances shall, contrary to the said contract, misappropriate said goods, chattels or money, and apply it to other use or uses, and, upon conviction thereof, shall be guilty of a misdemeanour, and subject to fine and imprisonment, or both, in the discretion of the Court before whom the cause shall be heard.

17. That any person buying goods or chattels, or property personal, for the purpose of disposing or selling the same at retail, or buying a stock for the purpose of disposing or selling the same at wholesale, shall, and he is hereby required to dispose of the same, according to the original intent and meaning thereof: failing to do so, he shall be considered guilty of a misdemeanour, upon conviction thereof by any Court of competent jurisdiction, and be liable to be punished by fine or imprisonment in the discretion of the Court before whom he is convicted.

18. That, after the passing of this Act, it shall not be lawful for any person or persons, to sell, assign, transfer, or dispose of, in bulk or gross, any stock of goods, wares, or merchandize, or manufacturers' stock, to any one person or persons, corporation or co-partnership; nor shall it be competent or lawful for him to assign to any person or persons his effects, whilst he is owing any person for them in part, or in whole, save and except, to all his creditors *pro rata*, and not otherwise, and by their consent.

19. That immediately after the passing of this Act, it shall be the duty of all person or persons, wishing to avail themselves of the provisions therein contained, and the benefits arising therefrom, to proceed at once to take a just and true account of all his assets, known by this Act as property personal, or chattel; and, also, his liabilities of any kind not secured by real estate security; and to enable him to be more concise and arrive at a just and correct conclusion, it shall be his duty to call in three disinterested and fit and proper persons who follow the same calling or profession as himself, by notifying them personally, either by himself or his agent, that at the end of seven clear days after the day of notice, he will commence at nine o'clock in the morning, at his place of business, to take Stock, and state that he needs their services as Assistants or Umpires, to value his assets; and it shall be the duty of said three persons so notified to attend on the day and hour appointed, unless sick or unable to do so; to enable them to be excused they must appear before one or more Justice, or Justices of the Peace, and there be examined under oath, in reference to their ability to attend, and it shall be the duty of said Justice, or Justices, immediately after hearing the case to decide at once whether the excuse is sufficient or not, and order the person or persons to attend as required, or otherwise. And if said Justice or Justices, decide that he or they shall be excused from acting, then and there upon, it shall be the duty of the said Justice to immediately nominate and appoint some fit and proper person, as described aforesaid, in the place and stead of the person or persons so excused, who is willing to act; in case of sickness, being the excuse the person or persons appointed by notice

as aforesaid, described in this Act, must have a certificate from some regular Physician, stating that his patient is unable on account of his health to attend, which shall be considered by said Justice as sufficient excuse. In case of any of the three heretofore mentioned Umpires, all, or part of them fail to appear upon the day and hour as mentioned aforesaid, and shall have not sent any excuse, nor paid attention to the legal call of their neighbour, then it shall be the duty of said person or persons so notifying the said Umpires as aforesaid, to enter complaint before some one or more Justice of the Peace, who, after hearing the complaint, as above, and thinking it sufficient to summon one or all of the aforesaid Umpires before him, to answer the charge; and in case the said Justice thinks the complaint sustained, it shall be the duty of the said Justice to enter Judgment with costs against all or any of them, of five dollars to each person, with immediate execution, in case said fine with costs are not paid to be levied upon their goods and chattels. After the said person or persons so acting, have completed the taking of said Stock, it shall be their duty, each and every of them, to appear before some Justice of the Peace and make oath as to the correctness, in their opinion, of said Invoice there exhibited as a true and correct account of the Stock that they have been employed to take and signed by them, with the name of the owner affixed to said Invoice, which shall also be upon oath, and each and every page initialed and numbered at the bringing forward of the several footings, and end of each column, which shall also be certified by said Justice, and initialed by him as above described, and filed by him in the Office of the Commercial Registry for the Municipality where the person or persons may reside, having said Stock so taken for the information of the public.

20. That immediately after the passing of this Act, it shall be the duty of all persons now doing any business on credit with their fellow men to close their present books of account, with a view to know what their real position is, and a final settlement of their estate up to this time, and it shall also be their duty to open a new set of Books, which shall only contain transactions and intermissions of trade, after the passing of this Act; but they may carry forward to the credit of their former creditors any monies or assets that they may realize from their old estate. All and each creditor may file in the Office of the Commercial Registrar their present debts, but they can only have a lien upon the assets of the old estate, or so much thereof as may be realized from their former estate, and any profits that might be made from the new, after paying all the new debts. In case of a default being made upon any bill growing out of any transaction connected with the old estate, and protest is entered in the Commercial Registry Office as mentioned aforesaid, such registration will only attach any chattel assets belonging to the old estate, and whatever profits may have been earned above all debts of the new; and in case the creditors of the old estate proceed to declare according to this Act, the defaulter a permanent one, then, and in that case, they can only have a *pro rata* share of the assets arising from the old estate.

21. That, after the passing of this Act, any person or persons, body corporate or individual, who may file any paper or papers in said Commercial Registry Office, or causing or procuring others to do so, or any person or persons being hired to do so, that is false in the allegations contained on the face of it, and calculated, in its nature and purport, to deceive or defraud any person or persons or any parties, either as principal or employee, in filing any bill, note, invoice, or account, contract, or any other paper, knowing it to be false in any particular or item, and upon conviction thereof, before any Court of competent jurisdiction, shall be considered guilty of a misdemeanour, and subject himself thereby to a fine or imprisonment.

ment, or both, in the discretion of the said Court, and shall also loose all legal claim to enforce the collection of said debt in any Court of this Province.

22. That, after the passing of this Act, and Commercial Registrars are established in this Province, all Commercial Registrars appointed as aforesaid under this Act, shall take their oath of office before one of Her Majesty's Justices of either of our Superior Courts of Queen's Bench or Common Pleas, and immediately thereafter shall become an officer of said Court. It shall also be the duty of said Justice to question said Registrar upon the general business of the country, and with a view to find out whether he is a proper qualified person for the office or not; and if said Justice shall determine, after a careful examination, that said person is qualified to perform the duties, he shall thereupon administer the oath of office; or if he, the said Justice, shall think that said person is incompetent to fill said office, it shall be his duty to refuse the application to confirm and swear in said person or persons, and immediately thereafter shall address a note to the Secretary of this Province stating his reasons for so doing, in as short and concise manner as possible; and it shall be the duty of said Secretary to lay this refusal before the next ensuing meeting of the Governor in Council, so that some fit and proper person may be appointed at once in the place of the person so refused by said Justice so acting in his discretion.

23. That if any default is made in the payment of any contract, note, bill, invoice, or account as aforesaid recited in this Act, and protest has been regularly filed by any legally authorized notary in the office of the Commercial Registrar for the municipality where the said defaulter may reside, or where said defaulter may have property personal, and notice of protest being mailed to said defaulter, addressed to the nearest post office where he resides, or where he last resided in this Province, or where he is reported to have resided; and the said defaulter shall not remove or pay up such money at the end of one month from the date of said default, it shall then be competent for said creditor as aforesaid to apply to any Court of competent jurisdiction for an execution against said defaulter, to be levied upon the property personal of said defaulter, and he shall, upon receiving the same, place the same in the hands of some bailiff, sheriff, or other officer of competent jurisdiction, who shall proceed to levy the same according to the laws now in force in this Province. It shall also be the duty of said creditor in making the application to said Court, to examine the Commercial Registry Office, and find if there is any other bill, bond, note, contract, or invoice of account lying under protest against said defaulter. If, upon examination, he shall find others, it shall then be his duty to mention, in his application, the names of the other creditors, and state the amount of their claims, with legal interest thereon; and upon said execution being issued as aforesaid, by any proper officer having power to do so, the names of all the creditors who may own debts, under protest, in the Registry Office, against said defaulter, shall appear in said execution, and they shall share, *pro rata*, in any money that may be made by any bailiff or any sheriff out of the property personal of said defaulter. If there should be any excess after paying the cost and poundage of such sale made as aforesaid, and paying the amount over to the creditors in said execution named, upon which the sheriff or bailiff may have made their money, it shall be his duty forthwith to return the same to the Commercial Registrar of the municipality, having first endorsed the sum or amount in excess upon said execution, and stating the fact, upon oath, before some proper person or persons duly qualified to administer the same; that he made an excess of money,—here stating the amount, and no more,—and in default of

doing as aforesaid, he shall, upon conviction thereof, before any Court of competent jurisdiction, be guilty of a misdemeanour, and subject to such fine as the Court may direct; and, upon his being convicted of said misdemeanour, he shall cease to be an officer, sheriff, or bailiff, and for ever afterwards be considered incompetent to act or be appointed to such office.

24. That immediately upon the receipt of said money by said Commercial Registrar, it shall be his duty to deposit the same in some one of the chartered banks of this Province, to the credit of said defaulter, and subject to his draft; and he is also hereby required to place the true amount in said requisition for deposit, and the name of defaulter mentioned therein, which shall be kept by said bank as a voucher for paying said defaulter said money upon personal or written application; it shall also be the duty of said Commercial Registrar to notify said defaulter, by letter addressed to his post office, that said money has been deposited to his credit; and he is also required to name the day and the amount of deposit.

25. That after the passing of this Act it shall be the duty of all sheriffs, attorneys, bailiffs, clerks of division courts, agents, factors or collectors, or any other persons having collections to make from other person or persons, upon receipt of any sum or sums of money to at once notify, by mail or otherwise, their employer, or the person for whom said money is collected, that they have made so much money, and that it is subject to their draft after paying costs and legal charges; and in default of so doing they shall be subject to pay to said person two per cent. per month for each and every month that they shall keep said money, or fail to notify said person of said collection, or that proportion for any time over the time it would take to get a letter from the place where such collections were made to the place where the said person resides for whom said money was collected.

26. That after the passing of this Act all Postmasters receiving any letter addressed to any Commercial Registrar of any Municipality in this Province, shall immediately thereafter make a record of said letter upon a book to be kept for that purpose, stating what office it is addressed to, and to also stamp plainly upon the said cover or envelope the date of its receipt, and should it, on account of mail communications, lie over for one or more days, stamp plainly, or write plainly, upon said letter the day it was despatched from his office, and to use all the precaution and care that is now taken of registered letters, and is to charge and exact from persons the same price that is exacted for registered letters.

27. That each and every person mailing any letter to the office of any Commercial Registrar, shall endorse on the envelope the number of separate papers it contains, and the name of the person or persons for whose benefit it is to be filed in the Commercial Registrar's office to whom it is addressed, in a clear, legible hand, and the date of delivery to said post office. Immediately after said letter so containing said within described papers shall be delivered to said post office, it shall have all the force of record in case it shall by the due course of mail arrive at its destination, so as to prove that it was mailed as above described. It will also be the duty of such person or persons for whose benefit such letter was mailed to enter in a book to be kept for that purpose a true and correct memorandum of, first, the letter and what it contains; secondly, the Commercial Registry Office to which it was addressed; thirdly, the day, hour, and year it was mailed; fourthly, by whom it was mailed, with his signature in full written under said memorandum. If all these forms are complied with, then the person for whose benefit such letter was mailed can and shall have the legal right to inquire at any post office upon the line or route, and to trace such letter in the best manner he thinks proper, for the purpose of finding it in case it should be lost or

miscarried, and to enable him to get information so that he might bring an action to recover any money he might lose by this letter, or damage he might sustain by its going astray, or not reaching its proper place of destination, on account of the wilful neglect of any employee of the post office department.

28. That immediately after any Commercial Registrar has been duly sworn into office he shall proceed at once to open in the Municipality for which he is appointed, (as soon as said Municipality has furnished or procured him an office), a Commercial Registry Office, and shall place, or cause to be placed, over the door of said office, a plain sign—"Commercial Registry Office of the Municipality of _____," and he shall cause said office to be kept open from 6 o'clock a. m., to 9 o'clock a. m., and from 10 o'clock a. m., to 3 o'clock p. m., and from 4 o'clock p. m., to 7 o'clock p. m., for each and every legal business day in the year.

29. That it shall be his duty to attend at the post office in the place where such office is, or cause some other to attend, upon the arrival of each and every mail, so as to get any papers addressed to his office, with as little delay as possible, or to send off any communication that may be necessary.

30. That it shall be the duty of said Commercial Registrar, or his employees, to receive all papers addressed to his office at the post office, and for the purpose of greater care he shall furnish his office with two mail bags, one for delivery of letters, and one for receiving letters from the post office, which bags shall have good and sufficient lock and key thereon, and be labelled—"Mail Bag of the Commercial Registry Office of the Municipality of _____;" and it shall be the duty of said Registrar, or his employees, to put in all papers in said bag or bags before leaving his office for letters or parcels going out, and to carefully lock the same before leaving said office, and in bringing any letters from the post office he shall pursue the same form, and see that the bag is locked, and either strapped to the person that attends, or worn or carried in the form and manner of a haversack, whilst passing through the public streets, and until the person or persons shall either arrive inside of said post office or Commercial Registry Office, as the case may be.

31. That it shall be the duty of said Commercial Registrar to open all parcels, packages, letters, or envelopes directly after their coming into his office, and he shall, or cause to be endorsed on each and every paper the minute, hour, day, and year that said paper was delivered to him, and also the envelopes; and it shall also be his duty to number each envelope and put a corresponding number upon each and every paper contained therein, and put his initials to each endorsement, and enter the name of the person or persons in an index book alphabetically arranged with the number of the parcel to the right of said name, and shall continue to add numbers opposite that name as papers come in from that person to be filed, until the margin is filled up or the book shall go out of use.

32. That it shall be the duty of said Commercial Registrar to reply to all letters asking for information in reference to registration, immediately after such application, in course as they are made, and also attend all the personal calls in course, and not otherwise; first applicant must in all cases be served first.

33. That said Registrar shall, at soon as he receives notice of the discharge of any and every debt, cause the said discharge to be placed with the original papers it refers to, and put in that portion of said office where discharged papers are kept, or at the request of debtor he can send them by mail to his address, and at his expense, or deliver them to debtor upon personal application.

34. That it shall be the duty of the said Commercial Registrar to make a true and correct return to the Inspector General of all debts recorded in his office, and in force therein, quarterly, and to be made up on the thirty-first of March, thirtieth of June, thirtieth of September, and thirty-first of December in each and every year, and to send forward so that it may reach the Seat of Government by the fifteenth of January, fifteenth of April, fifteenth of July, and fifteenth of October; and, in default of so doing, he shall be considered guilty of a breach of law, and subject to removal from office therefor.

35. That the Commercial Registrar is hereby empowered to exact and receive, in advance, the following fees for services rendered, and no more:—

For receiving and filing any and every paper, - - -	5 cents.
For bringing any parcel, letter, or envelope from the post office, - - -	3 "
For mailing any letter, - - -	3 "
For receiving and registering any protest, - - -	10 "
For answering any letter not exceeding one folio, - - -	10 "
For copying per folio, - - -	10 "
For any search for each paper, - - -	5 "
For receiving and filing any letter, - - -	5 "
For each affidavit taken in office where affidavit is made up for him, - - -	10 "
For receiving a discharge and filing same—for each separate paper, - - -	5 "
For notifying parties for each notice by mail, of protest, - - -	13 "
For each notice delivered personally, - - -	13 "
For discharging any record—for each paper, - - -	5 "

36. That every Commercial Registrar shall give good and sufficient bonds, with two sureties, for the faithful discharge of the duties of his office.

37. That as soon as any bill, bond, note, contract, or invoice is paid by any debtor to any creditor, and the fees for discharging the same from the Commercial Registry Office, he shall at once cause a discharge to be filed in the office of the Commercial Registry, setting forth, in as short and concise a manner as possible, that he has received his pay in full for said bill, bond, note, contract, or invoice of account, bearing date on the day of , and month of , and year of , and recorded against him, and said creditor failing to make such a registration or discharge, or wilfully neglecting to do so after sufficient time has elapsed to get it done, shall be guilty of a misdemeanour, and subject to be punished by a fine in the discretion of the Court of competent jurisdiction, before which said case shall be heard and he be convicted thereof.

38. That should any person or persons purchase on credit after this date any property, personal or chattel, and at the time of making such purchase state that they were to be sent to some particular locality to be disposed of, and, contrary to this understanding, alter the course of said goods, or procure some other person or persons to alter the route of said goods or chattels, for the purpose of not having them go into the municipality where the creditor understood they were to go, or after they had arrived at their proper destination, removed them, contrary to the agreement, and without the consent of the creditor being first had in writing allowing him to do so, or commit any other act contrary to the spirit of the agreement at the time of purchase, or procure other persons, knowing the contract to exist, to do so for him: then in that case, complaint having been made on proof

being furnished to the satisfaction of any Court of competent jurisdiction, said person or persons shall be guilty of a misdemeanour, and subject to fine and imprisonment in the discretion of the Court.

39. That it shall be the duty of said creditors taking possession, as aforesaid, of the estate of any defaulting debtor, to instruct and require said Receiver to furnish said defaulting creditor or legal representative, with a copy of the invoice so taken, as required aforesaid, directly after the same has been taken. It shall also be the duty of said Receiver to deposit all monies that he may receive from the estate of said defaulter, in some chartered bank, on each and every day where there is a bank or agency in the municipality, or where there is no bank within the municipality then he is to deposit said money, at least once in each week, to the credit of the said estate, in some one of the chartered banks or their agencies. It shall also be the duty of said Receiver to make a pro rata dividend to each creditor, according to number and amount of all debts filed in the office of the Commercial Registry, at the time that he was appointed Receiver, at least once in each month; and he is also to furnish the said defaulter with the amount of money he has received during the month, and also to whom he has paid the same, and how much to each creditor. It shall also be the duty of said Receiver, or the creditors of said defaulter, to keep the property of said estate insured in some good and solvent insurance company, and in case the same is consumed by fire, the creditors of said defaulter are to sustain the loss, and the original invoice is to be charged to said creditors; and it shall be the duty of said Receiver to make a dividend of said loss, pro rata, to said creditors, and credit said defaulter with the amount. Should any unnecessary loss grow out of the winding up of said estate by said Receiver, arising from incapacity or bad management, the defaulting debtor would have the right, and he is hereby empowered to file a protest against the creditors of his late estate in the office of the Commercial Registry, by employing some regular notary to do so, and if said creditors aforesaid, after being notified by letter, and also insertion of notices in three newspapers in the vicinity, as also to send a copy to each creditor stating in said notice that he will petition the Judge of the County Court to have said Receiver removed, or curtailed, in squandering and destroying his estate. And if said judge, after receiving the petition accompanied with affidavits of said defaulter or other persons, shall think the reason set forth in said affidavits sufficiently sustaining the allegations, it shall be his duty at once to issue an injunction against said Receiver, and whenever said injunction is served upon said Receiver, enjoining him not to act, and he persist in acting in the premises, it will be competent for said judge to commit him to the common gaol for contempt during pleasure, and also accompanying his order for commitment with costs of proceedings, and order him to pay that before he is set at liberty, if said judge chooses so to do.

40. That should any defaulting debtor's estate amount to more than the debts recorded against him, it will then be the duty of said creditors at once to return the balance or residue of said estate to said defaulter, and also the interest on the said balance, during the time that said creditors have had it in their possession; and in case they refuse so to do at once upon being required by said defaulter in writing, then, and in that case, the said defaulter may enter protest in the Commercial Registry Office, stating the facts, and petition the Judge of any Court of competent jurisdiction by certificate; said petition to be accompanied by affidavit of himself or any other persons, stating the ground of his complaint, and the said Judge, in case he considers it can be sustained, may order the parties to appear at once to answer the charge, and if the

defaulting debtor shall sustain his case, he shall have judgment with costs for double the amount usual in such cases, with immediate execution to follow against all the creditors concerned; and the said protest have all the force of attachment or garnishee that it had in the proceedings in his case where protest was filed by his creditors, and attach all property personal of said creditors, pro rata, the same as any protest based upon a previous record having been made in the said Commercial Registry Office.

41. That after the passing of this Act, no landlord or any person or persons shall have an exclusive right to collect rent in preference to any other claim or debt, unless he shall cause previous to the said becoming due, to be filed in the office of the Commercial Registry a true copy of his lease or agreement made at the time he so leased said premises, and also state the amount due, or to come due, that he expects to collect in preference to other debts; failing to do so, he shall only have a pro rata claim with any other creditors.

42. That after the passing of this Act, any manufacturer, merchant, trader, builder, contractor, mechanic or artisan, shall have a direct lien, upon and ownership in any chattel or property personal, that he may place, put, or erect, or cause to be placed, put or erected on any land whatsoever in this Province, by the consent and wish of any person or persons, legally in possession of said land, any material for building, or any kind or kinds of machinery or property, personal or chattel, until he is paid for the same in full, and that no property personal shall become a part of the realty until the said property personal has been paid for, by the person or persons entering into a contract with any other person or persons, to have certain erections made of any description, or in any form that is composed of property, personal or chattel, at the time such erections are made, or to be made, until the material has been paid for in full, according to the contract entered into by said person or persons, who may have agreed with any other person or persons, to have such erections, so made any law or use to the contrary, now in force in this Province notwithstanding; and any person or persons so erecting, shall have, in case he causes his claim to be filed in the office of the Commercial Registry, a lien in law and equity upon the price of all labour he may have expended, or caused to have been expended, upon any erection or material used in any erection, to be made in this Province by contract with any person or persons legally in possession thereof, until said labour is so paid for in full, according to the contract existing between the parties thereto in reference to said erection as aforesaid. The only claim that any person or persons owning the realty shall have upon said goods or chattels, or property personal, shall be whatever amount has been paid upon any material, put, placed or delivered upon such premises, as aforesaid, in the way of estimates, or any other manner, and according to the contract then existing between the contracting parties, any law or usage to the contrary notwithstanding that may now be in force in this Province.

43. That after the passing of this Act, any labourer, or mechanic, or employee, working for any person or persons within this Province, upon any building, railroad, canal, or on any industrial pursuit or enterprise, now carried on or to be commenced at any future period in this Province, shall have upon filing his true and exact claim in the office of the Commercial Registry, a direct lien upon all chattels owned by his employer, and also a pro rata lien upon all money and monies then due, or to become due to any person or persons who may employ him on any public or private works upon which such labour has been expended, or such work has been per-

formed, and in case default has been made according to the understanding existing between the employer and the employed, in the payment of said wages for services so performed, the filing of his debt or claim shall have all the force of a garnishee order, and attach all debts owing and due, or to become due in this Province in favour of said employer, to his use, pro rata with other employees of said employer, as aforesaid, any law or usage to the contrary notwithstanding.

44. That after the passing of this Act, all debts upon which default has been made in any Commercial Registry office, and according to the true intent and meaning of this Act, and have thereby become a judgment attachment, and upon which future proceedings is required to be had, then and in that case it shall be competent for said suitor to apply to any Court of competent jurisdiction, and according to the amount or nature of said claim, and according to the several jurisdictions of the different Courts of law and equity now existing in this Province, and not otherwise.

45. That any defaulter, after the passing of this Act, who shall find any claim recorded against him in the Office of the Commercial Registry, and which claim is incorrect in amount or in any particular, and is protested according to form, may enter his protest against the payment of the same, and it shall thereupon be his duty forthwith to cause notice to be inserted in any one or more newspapers in the municipality where he may live or reside, that he does so protest, and also state that he will attend at the next sitting of the Court of competent jurisdiction, then stating the Court, and there try the case before said Court, and it shall also be his duty to deliver to the Commercial Registrar in person, or some one acting in his stead, one or more copy of said newspapers containing said notice, and also file one or more newspapers, or cause it to be filed in the office of the Clerk of said Court before which he intends to contest his protest, or send by mail, or deliver in person, to said creditor or his agent. This notice is to be filed according to rule, and must be for a sufficient time previous to the sitting of said Court, so as to allow the creditor or his agent to appear for him, as now regulated by the laws of this Province in reference to notice of trial being given for a sufficient time before the sitting of said Court as aforesaid.

46. That upon said Clerk of any Court so receiving any notice, as aforesaid, of protest for trial, should thereupon record the case in the form now used in said Court upon the calendar or docket forthwith, and have it come in course on said docket the same as it came into the said office, and have it take priority before suits that were handed in after it in said office.

47. That after the passing of this Act, it shall be the duty of each and every publisher of any newspaper in this Province, to cause to be inserted in his newspaper so published, all legal or law papers correctly and according to and agreeing with the original in form in every particular; and it shall also be his duty to cause one column or more if necessary to be set apart for legal advertisements, and to be headed "Legal Column" in plain large types; under which heading he shall cause to be inserted all advertisements, notices, or protests, or any legal document, and no other, until he shall commence a new heading; failing to do so he shall be subject to pay all damage or costs, or both, that any person or persons may prove that they have sustained by his neglect.

48. That after the passing of this Act, no accommodation note will have any force or effect against the drawer, or endorser, or acceptor, unless a copy thereof is recorded in the office of the Commercial Registry, where the parties who are the makers or acceptors thereof may reside at the time the said accommodation paper was made.